

CITY OF NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 100 Civic Center Drive
Thursday, August 8, 2013
REGULAR MEETING
6:30 p.m.

I. **CALL TO ORDER** - The meeting was called to order at 6:30 p.m.

II. **PLEDGE OF ALLEGIANCE** – City Traffic Engineer Tony Brine

III. **ROLL CALL**

PRESENT: Ameri, Brown, Hillgren, Kramer, Myers, and Tucker

ABSENT (EXCUSED): Lawler

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Marlene Burns, Administrative Assistant; and City Traffic Engineer Tony Brine

IV. **ELECTION OF OFFICERS**

ITEM NO. 1

- a. The Commission will elect officers to serve for the year.
- Chair
 - Vice Chair
 - Secretary

Vice Chair Hillgren explained the nomination and voting process and declared nominations open for Chair, Vice Chair, and Secretary of the Planning Commission.

Commissioner Ameri nominated Vice Chair Hillgren for Chair, Commissioner Tucker for Vice Chair, and Commissioner Kramer for Secretary of the Planning Commission. There being no other nominations; nominations were closed. The nominations were approved (6 – 0 – 1), and Vice Chair Hillgren, Commissioner Tucker and Commissioner Kramer were declared Chair, Vice Chair, and Secretary, respectively.

AYES: Ameri, Brown, Hillgren, Kramer, Myers, and Tucker
NOES: None
ABSTENTIONS: None
ABSENT: Lawler

- b. Appointment to the General Plan/LCP Committee
- Chair to appoint one additional member and confirm existing appointments

The aforementioned item was deferred to the Planning Commission meeting of August 22, 2013.

V. **PUBLIC COMMENTS**

Chair Hillgren invited those interested in addressing the Planning Commission to do so at this time.

Jim Mosher congratulated the new officers and suggested that the Commission review its by-laws at an upcoming meeting because of recent changes that have occurred relative to the venue and voting system. He noted changes in the Charter and suggested that by-laws should be consistent with the Charter. He addressed the way meetings are conducted and felt that it would be beneficial if it was clearly spelled out in the Commission's rules and procedures and include Ex-Parte communications as well as provide clarity regarding conduct of public hearings and appeals.

Commissioner Ameri commented on the inclusion of Ex-Parte communications noting the differences between boards and the Commission. He did not believe that Ex-Parte communications apply equally to the bodies. He suggested that they may be included as a courtesy but not required.

Chair Hillgren closed the public comments portion of the meeting.

VI. REQUEST FOR CONTINUANCES - None

VII. CONSENT ITEMS

ITEM NO. 2 MINUTES OF JUNE 20, 2013

Recommended Action: Approve and file

Vice Chair Tucker acknowledged corrections to the minutes submitted by Mr. Mosher.

Interested parties were invited to address the Planning Commission on this item.

Jim Mosher highlighted a quotation from former Chair Toerge and noted that the names of former Commissioners were misspelled.

There being no others wishing to address the Planning Commission, Chair Hillgren closed the public comments for this item.

Motion made by Vice Chair Tucker and seconded by Commissioner Ameri and carried (5 – 1 – 1), to approve the minutes of June 20, 2013, as corrected.

AYES:	Ameri, Brown, Hillgren, Myers, and Tucker
NOES:	None
ABSTENTIONS:	Kramer
ABSENT:	Lawler

VIII. PUBLIC HEARING ITEMS

ITEM NO. 3 TANNIR RESIDENCE (PA2013-110)
Site Location: 3235 Ocean Boulevard

Chair Hillgren explained the public hearing process.

Associate Planner Rosalinh Ung presented details of the report including a description of the project, location, surrounding properties, existing conditions, elevations, improvements to the public right-of-way, new vehicular access, area of encroachment, impacts to adjacent properties, site plan, details of the variance request and compatibility with the neighborhood. She addressed CEQA exemptions and recommendations as stated in the report.

Commissioner Brown commented on the design of the proposed stairway and Ms. Ung affirmed that the new design will improve the view from the Bluff.

Commissioner Tucker suggested that the applicant defer his presentation until public comment is received.

In reply to an inquiry from Chair Hillgren, Ms. Ung described the development areas and their development allowances provided by the Bluff Overlay Zone.

Interested parties were invited to address the Planning Commission on this item.

Brion Jeannette, architect, offered to respond to questions and reported that the intent is to expand on the open space and expand the area of Bluff protection.

Mark Luers spoke on behalf of his mother who lives on the east side of the project. He felt that the statement that the house will be built using the same footprint as the existing house is misleading and wondered regarding the impacts of the project on his mother's views and privacy.

Jim Mosher spoke regarding the project needing to be reviewed by the Coastal Commission and questioned whether the project is consistent with the Coastal Act. He addressed the purpose for granting variances, wondered if it is being done in a consistent way and commented on the computation of the lot size and square footage based on the sloping site. Additionally, he referenced typographical errors within the resolution.

Chair Hillgren requested that Mr. Mosher submit corrections to the resolution to staff after the meeting.

Vice Chair Tucker stated that the City does not protect private views. He noted that the variance requested in this case has no impact on views or privacy.

Brion Jeannette, architect, highlighted elements in the design and explained efforts to protect neighboring views. He felt that the project will improve public views and stated that the project meets the provisions of the Coastal Act. He added that the square footage is sixty-five (65%) percent of what would be allowed under the current Zoning Code. He addressed consistency with the predominant line of existing development.

There being no others wishing to address the Planning Commission, Chair Hillgren closed the public comments for this item.

Motion made by Vice Chair Tucker and seconded by Commissioner Myers and carried (6 – 0 – 1), to adopt a resolution approving Variance No. VA2013-004 and finding the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 with changes to Condition of Approval No. 16, deleting the requirement of approval by the Orange County Health Department.

AYES:	Ameri, Brown, Hillgren, Kramer, Myers, and Tucker
NOES:	None
ABSTENTIONS:	None
ABSENT:	Lawler

ITEM NO. 4 SCHULEIN PARKING USE PERMIT AND VARIANCE (PA2013-090)
Site Location: 2828 East Coast Highway

Associate Planner Fern Nueno presented details of the report including a description of the project, location, lot area, existing conditions, anticipated use, closing of the curb cut, bicycle parking, architectural design, establishment of a parking management plan, compatibility with the neighborhood, and consistency with the Zoning Code standards and General Plan policies. She addressed policies that allow nonconforming buildings to be reconstructed with the same amount of parking, and details of the variance, noting that it would allow for a more usable area to maximize parking. Ms. Nueno noted review and approval by the City Traffic Engineer and recommendations as listed in the report.

Discussion followed regarding the area with the existing retaining wall, removal of an existing pole sign, and compliance with sign standards.

Regarding the potential for awning signs, Assistant City Attorney Leonie Mulvihill reported that the Code provides for either a wall sign or an awning sign. Vice Chair Tucker expressed concerns regarding problems with maintenance of awnings and availability of areas for wall signs.

Ms. Mulvihill reported that she would like to review the sign code, but felt that because awning signs are allowed in the Code, sign location is not supported as a condition of approval for this application.

Deputy Community Development Director Brenda Wisneski added that there are General Plan policies in place requiring high levels of architectural design and if it is determined that awning signs detract from the proposed contemporary design of the building, then that would provide justification for not allowing the awning signs.

Vice Chair Tucker inquired about the building materials and staff reported receiving no samples of materials.

Discussion followed regarding providing samples of building materials and it was noted that they are not required by the Code.

In response to an inquiry from Chair Hillgren, Ms. Wisneski reported that the design is conceptual, but the intent is that the project approved at staff level is consistent with what is currently being presented. The Commission could include stipulations as part of the project approval. Staff would ensure, through the plan check process that the plans are consistent with what is being presented.

Commissioner Ameri requested adding a condition requiring a review of architectural materials by staff, prior to the issuance of building permits.

Discussion followed regarding a description of the Walker Parking Study and results, consideration of parking relative to the specific use, and elements to be in place prior to the issuance of a Certificate of Occupancy.

Interested parties were invited to address the Planning Commission on this matter.

Jeff Schulein, applicant, reported that the existing building is not representative of what Corona del Mar should be and that he would like to replace it with something more representative of the community.

Scott Laidlaw, architect, addressed challenges of working with the Zoning Code and the goals of the General Plan. He commented on the irregularly-shaped lot and grade changes and addressed creation of additional parking spaces, the angled parking on the alley and drive aisles, the intention of the architecture, enhanced architectural elements, and detailing and the awnings. Regarding the latter, he reported that the intention is to install and control the look of the awnings and provide no signage on the awnings. Mr. Laidlaw stated that materials will include a contrast of a smooth plaster skin with highly articulated wrought iron columns for a modern interpretation of old cast iron architecture, augmented with iron planter boxes.

Assistant City Attorney Mulvihill confirmed that the General Plan addresses architecture specific to signage being consistent with the architectural character of the building. If the Planning Commission believes that the awning signs are not integrated with the design, it may require a condition that fulfills the policy. Through the Conditional Use Permit review, the Planning Commission is implementing General Plan policies.

Discussion followed regarding requiring no signs on awnings.

There being no others wishing to address the Planning Commission, Chair Hillgren closed the public comments for this item.

Commissioner Ameri reiterated the importance of staff reviewing the materials with the architectural plans to ensure consistency with the area.

Ms. Wisneski stated that staff could draft a condition requiring staff review of the materials prior to the issuance of building permits and including the materials in the condition.

Assistant City Attorney Mulvihill suggested that the condition include the materials mentioned by the architect.

Motion made by Commissioner Ameri and seconded by Vice Chair Tucker and carried (6 – 0 – 1), to adopt a resolution approving Conditional Use Permit No. UP2013-007 and Variance No. VA2013-007 with an added condition listing the materials and requiring review and approval of the building materials by staff prior to the issuance of building permits.

Vice Chair Tucker added that the condition should specify the use of quality of design and materials, high articulation and no signage on the awnings.

Ms. Nueno reported that she will review the plan to ensure it is consistent with today's discussion.

Chair Hillgren clarified that Condition Nos. 14, 18, and 19 are for prior to occupancy, not permit issuance and the maker and second of the motion agreed.

Commissioner Myers stated his support of the project and commended the project.

Chair Hillgren verified with the applicant that he was okay with the proposed changes.

Ms. Wisneski clarified that one condition will be added regarding the materials and another condition will be added regarding the awning signs.

AYES:	Ameri, Brown, Hillgren, Kramer, Myers, and Tucker
NOES:	None
ABSTENTIONS:	None
ABSENT:	Lawler

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION - None

ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Deputy Community Development Director Wisneski reported on Council's concurrence with the Planning Commission's recommendation related to residential lot mergers to amend the findings to provide greater clarity. The Council will consider the amendment to the finding at their meeting in September.

ITEM No. 7 COMMITTEE UPDATES

1. Land Use Element Amendment Advisory Committee

Deputy Community Development Director Wisneski reported that Council has appointed a Land Use Element Advisory Committee including two Council Members, Vice Chair Tucker, Secretary Kramer, and five members at large. She stated that the intent was to address decreased development interest in some areas and increased development interest in others. She reported that the project is on a fast-track schedule and presented details of the work program. The scope is to look at land-use changes and policies. Proposed changes will be considered by the Planning Commission in the future and updates will be provided at each Planning Commission meeting. More substantial information will be presented to the Planning Commission in September. She announced a public meeting on September 9, 2013, in the Community Room at 6:00 p.m.

Vice Chair Tucker observed the last Land Use Element update and commented on the work to be done, the importance of considering the policies.

Commissioner Kramer stated the importance of making the Element more efficient and expressed appreciation for his appointment.

Vice Chair Tucker requested that hard copies of the Land Use Committee agenda be included in Planning Commission packets going forward.

2. General Plan/Local Coastal Program Implementation Committee

Deputy Community Development Director Wisneski provided an update of the General Plan/Local Coastal Program Implementation Committee and addressed areas of focus and items to be addressed. She stated that staff will continue to provide updates to the Planning Commission.

Ms. Wisneski added that the Committee meets the fourth Wednesday of each month at 12:30 p.m. but noted that the August meeting has been cancelled and the next meeting will be on September 25, 2013. She hoped that a report will be ready to present to Council towards the end of spring, 2014.

Commissioner Ameri commented on a milestone schedule developed by staff and requested a copy for Vice Chair Tucker.

ITEM NO. 8 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT

Vice Chair Tucker voiced an interest in learning about the Local Coastal Plan process in detail when appropriate, in a future agenda.

ITEM NO. 9 REQUESTS FOR EXCUSED ABSENCES

Vice Chair Tucker requested an excused absence for the Planning Commission meeting of October 3, 2013, since he will be out of town.

X. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:00 p.m.

The agenda for the Regular Meeting was posted on August 2, 2013, at 3:00 p.m., on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

Bradley Hillgren, Chair

Larry Tucker, Secretary

Mark Luers spoke on behalf of his mother who lives on the east side of the project. He felt that the statement that the house will be built using the same footprint as the existing house is misleading and wondered regarding the impacts of the project on his mother's views and privacy.

Jim Mosher spoke regarding the project needing to be reviewed by the Coastal Commission and questioned whether the project is consistent with the Coastal Act. He addressed the purpose for granting variances, wondered if it is being done in a consistent way and commented on the computation of the lot size and square footage based on the sloping site. Additionally, he referenced typographical errors within the resolution.

Chair Hillgren requested that Mr. Mosher submit corrections to the resolution to staff after the meeting.

Vice Chair Tucker stated that the City does not protect private views. He noted that the variance requested in this case has no impact on views or privacy, but rather deals only with an underground front yard setback encroachment and the height of a portion of a stairway.

Brion Jeannette, architect, highlighted elements in the design and explained efforts to protect neighboring views. He felt that the project will improve public views and stated that the project meets the provisions of the Coastal Act. He added that the square footage is sixty-five (65%) percent of what would be allowed under the current Zoning Code. He addressed consistency with the predominant line of existing development.

There being no others wishing to address the Planning Commission, Chair Hillgren closed the public comments for this item.

Motion made by Vice Chair Tucker and seconded by Commissioner Myers and carried (6 – 0 – 1), to adopt a resolution approving Variance No. VA2013-004 and finding the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 with changes to Condition of Approval No. 16, deleting the requirement of approval by the Orange County Health Department.

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NOES:	None
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Discussion followed regarding the area with the existing retaining wall, removal of an existing pole sign, and compliance with sign standards.

Regarding the potential for awning signs, Assistant City Attorney Leonie Mulvihill reported that the Code provides for either a wall sign or an awning sign. Vice Chair Tucker expressed concerns regarding problems with maintenance of awnings that awnings are often not maintained and in this case and availability of areas for wall signs are available.

Ms. Mulvihill initially reported that she would like to review the sign code, but felt that because awning signs are allowed in the Code, sign location is not supported as a condition of approval for this application.

Deputy Community Development Director Brenda Wisneski added that there are General Plan policies in place requiring high levels of architectural design and if it is determined that awning signs detract from the proposed contemporary design of the building, then that would provide justification for not allowing the awning signs.

Vice Chair Tucker inquired about the building materials and staff reported receiving no samples of materials.

Discussion followed regarding providing samples of building materials and it was noted that they are not required by the Code.

In response to an inquiry from Chair Hillgren, Ms. Wisneski reported that the design is conceptual, but the intent is that the project approved at staff level is consistent with what is currently being presented. The Commission could include stipulations as part of the project approval. Staff would ensure, through the plan check process that the plans are consistent with what is being presented.

Commissioner Ameri requested adding a condition requiring a review of architectural materials by staff, prior to the issuance of building permits.

Discussion followed regarding a description of the Walker Parking Study and results, consideration of parking relative to the specific use, and elements to be in place prior to the issuance of a Certificate of Occupancy.

Interested parties were invited to address the Planning Commission on this matter.

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Assistant City Attorney Mulvihill reported that she had an opportunity to review the issue of a prohibition on awning signs and stated confirmed that the General Plan addresses architecture specific to signage being consistent with the architectural character of the building. If the Planning Commission believes that the awning signs are not integrated with the design, it may require a condition that fulfills the policy. Through the Conditional Use Permit review, the Planning Commission is implementing General Plan policies.

Discussion followed regarding prohibiting requiring no signs on awnings. Vice Chair Tucker suggested that no awning signs be allowed and noted that the applicant's architect stated that the applicant was not intending to have signs on the awning as it would be inconsistent with the design proposed for the building.

There being no others wishing to address the Planning Commission, Chair Hillgren closed the public comments for this item.

Commissioner Ameri reiterated the importance of staff reviewing the materials with the architectural plans to ensure consistency with the area.

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Vice Chair Tucker added that the condition should specify the that the project would be reviewed by staff to ensure it is of use-of quality-of design and materials, and high articulation as indicated by applicant's architect and no signage on the awnings would be allowed. Commissioner Ameri agreed to modify his motion accordingly.

Ms. Nueno reported that she will review the plan to ensure it is consistent with today's discussion.

Chair Hillgren clarified that Condition Nos. 14, 18, and 19 are for prior to occupancy, not permit issuance and the maker and second of the motion agreed.

Commissioner Myers stated his support of the project and commended the project.

Chair Hillgren verified with the applicant that he was okay with the proposed changes.

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